



United States Attorney's Office
Southern District of New York
Civilian Crime Reports Unit
Criminal Division

Civilian Crime Report

The U.S. Attorney's Office represents the Government in legal proceedings and works closely with investigative agencies including the FBI. The Criminal Division of the United States Attorney's Office is responsible for enforcing the federal criminal laws within the Southern District of New York, which encompasses the boroughs of Manhattan and the Bronx, as well as Dutchess, Orange, Putnam, Rockland, Sullivan, and Westchester Counties.

WE CANNOT CONSIDER INFORMATION SUBMITTED BY E-MAIL OR LEFT ON VOICEMAIL

Person Completing This Report:

Louis Flores

Your Name

75-22 37th Ave., No. 420

Address

Address (Line 2)

Jackson Heights, NY 11372

City, State

Queens

Zip

(929) 279-2292

County

Phone

Person/Entity Being Reported:

City of New York

Name of Person Being Reported

City Hall Park

Address

Address (Line 2)

New York, NY 10007

City, State

New York

Zip

311

County

Phone

Although the volume of information we receive from concerned members of the public prevents us from responding individually to every Report, be assured that we will carefully consider the information you have provided us to determine whether there is a matter for this Office to investigate. Should we determine that your Report raises a matter within the jurisdiction of this Office to investigate and that further information from you is necessary for our investigation, you will be contacted. This Office does not resolve individual consumer complaints.

NOTE FOR INTERNATIONAL SUBMISSIONS

We review for any appropriate action all submissions we receive. However, to avoid interference with the sovereignty of foreign nations, we do not respond to or acknowledge submissions from mailing addresses outside of the United States.

Does this Report Pertain to an Ongoing Case?

☐ Yes

☐ No

☒ Not Sure

If Yes, Please Provide the Following Case Information:

Case Title and Docket Number (if known):

Please clearly describe the violation of federal criminal laws that you would like to bring to our attention. Include as much information as possible; including the dates, places and nature of incident, and contact information for any witnesses (do not send original documents):

See attached "Statement of Louis Flores."

**Civilian Crime Report Unit
U.S. Attorney's Office
Southern District of New York**

Re : City of New York/FOIL

Statement of Louis Flores

1. The City of New York is engaged in a pattern and practise of violating the Freedom of Information Law ("**FOIL**"), Public Officers Law, Article 6, §§ 84-90.
2. On 28 March 2018, I filed a request under FOIL (Log Number : FOIL-2018-002-00188) with the Office of the Mayor of the City of New York about the **Brooklyn-Queens Connector**, or BQX (the "**OOM/BQX Request**"). *See* Ex. A.
3. In the City Hall response, dated 03 April 2018, City Hall advised that it would take an entire year before a response to be made to the OOM/BQX Request (the "**Initial OOM/BQX Response**"). "You can expect a response on or about Friday, April 5, 2019." *See* Ex. B.
4. After I received the Initial OOM/BQX Response, I contacted the Committee on Open Government to seek advice about the violations of FOIL contained in the Initial OOM/BQX Response. *See* Ex. C.
5. The determination of the Initial OOM/BQX Response violates FOIL, which, according to the Committee on Open Government, provides for :

"If neither a response to a request nor an acknowledgment of the receipt of a request is given within five business days, if an agency delays responding for an unreasonable time beyond the approximate date of less than twenty business days given in its acknowledgment, if it acknowledges that a request has been received, but has failed to grant access by the specific date given beyond twenty business days, or if the specific date given is unreasonable, a request may be considered to have been constructively denied (see §89(4)(a))." *Supra* at 3.
6. The OOM/BQX Request has been constructively denied by City Hall and no records have been released.
7. By giving a response date of one year out, City Hall purports to furnish no records in response to the OOM/BQX Request. Not only is this a constructive denial, but, according to the guidance document provided by the Committee on Open Government, this is a violation of FOIL. Whereas City Hall has refused to make the requested records public by providing them to me, it appears that, based upon information and belief, City Hall has released at least some of

responsive documents to parties with interests in the BQX project. In 2016, it was reported that the City released a ridership study to POLITICO New York. *See* Dana Rubinstein, *City gives new BQX streetcar details, and revs up outreach plan*, POLITICO New York (22 Apr 2016), <https://www.politico.com/states/new-york/city-hall/story/2016/04/city-gives-new-bqx-streetcar-details-and-revs-up-outreach-plan-101000> (noting that, "A city-commissioned study of the proposal, *which the city shared with POLITICO New York*, fleshes out the projected travel habits of the communities through which the line would run, bolstering de Blasio's argument that the \$2.5 billion streetcar is theoretically doable, and underscoring some of the challenges ahead." (emphasis added)). The ridership study released to POLITICO New York appears responsive to Item No. 2 of the OOM/BQX Request. It is also believed that at least some records, including possibly the feasibility study based upon the value capture scheme, have been shared with others, possibly including the HDR consulting firm and with the Friends of Brooklyn Queens Connector, Inc. (a/k/a Friends of BQX). In respect of a ridership study produced, in part, by the HDR consulting firm, the ridership study determined of the BQX project that the "potential to 'self-finance' through value capture is reasonable," even though it was not known how the ridership study was able to reach that conclusion, except for that, possibly, it had access to value capture records or studies.

8. In the Initial OOM/BQX Response, City Hall claimed no exemptions under FOIL. Because FOIL is based on a presumption of access to requested records, City Hall had no basis for withholding any of the requested records, since none have been claimed to be subject to exemptions, if any apply. Since City Hall has been sharing some of the requested records with other parties, there are fewer claims of exemption that City Hall can make, for example, under privilege, based on information and belief, since some of the requested records have been shared with other parties, and that sharing is material to piercing through privilege. Because City Hall may not be able to timely assert any privilege, it will be at risk of waiving its right to assert any claims of exemption. Furthermore, City Hall failed to show that any claim, made or not made, outweighs the public interest in knowing about the requested records. Therefore, there is no legal basis for the withholding of records, particularly for the period of one year that City Hall has stated will take place.
9. This denial of access violated the provisions of the FOIL and implementing regulations guaranteeing access or an appropriate, appealable, written denial stating the reasons for withholding access, along with meaningful notice of appellate rights. *See, e.g.,* FOIL § 89(3)(a) (requiring access or denial in writing within specific time periods) ; 21 NYCRR § 1401.5(c) (same) ; 43 RCNY § 1-05(c) (same) ; FOIL § 89(4)(a) ("any person denied access to a record may within thirty days appeal in writing such denial to the head, chief executive or

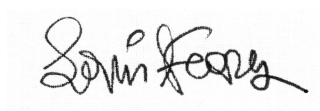
governing body of the entity, . . . who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought") ; 21 NYCRR § 1401.7(b) ("Denial of access shall be in writing stating the reason therefor and advising the person denied access of his or her right to appeal to the person or body designated to determine appeals, and that person or body shall be identified by name, title, business address and business telephone number. The records access officer shall not be the appeals officer") ; and 43 RCNY § 1-05(6) ("Each writing denying a request in whole or in part shall inform the requesting party of his right to appeal the determination of the agency within thirty days and shall state the name of the person or body designated in the agency to hear such appeals. Such person or body shall be identified by name, title, business address and telephone number").

10. City Hall did not cite any exceptional circumstances as a reason for giving a response date of one year out ; instead, City Hall implicitly complained about not having sufficient resources or manpower to process "the volume of requests that we have received." *See* Ex. B. Because City Hall can request all the resources it needs when it proposes the City Budget (or to redistribute resources of existing City Budget allocations) in order to process FOIL Requests in accordance with the time and manner set forth in FOIL, but, instead, chooses not to, City Hall is creating the circumstances that prevent it from processing FOIL Requests in the time and manner set forth in FOIL. It is not reasonable that City Hall would create conditions that would require an entire year before records are produced in response to a FOIL request. When an Agency governed by FOIL permits the processing time of its predicted FOIL workload to reach one year or more, it suggests a deliberate pattern or practise to withhold records, and this is a violation of the letter and spirit of FOIL.
11. FOIL does not expressly provide for an Agency to arbitrarily cause delays in processing FOIL Requests for one year, or more.
12. It has been reported that Mayor **Bill de Blasio** (D-New York City) has been intervening in some FOIL Requests. "Mayor de Blasio, who promised to run the most transparent administration in New York City history, has taken steps to have his office review any public records request of any city agency that could 'reflect directly on the mayor.' " *See* The Associated Press, *De Blasio is reviewing public records requests for all New York City agencies in bid to control information*, The New York Daily News (19 Aug 2015), <http://www.nydailynews.com/new-york/de-blasio-reviewing-records-requests-nyc-agencies-article-1.2330353>. The processing times of FOIL Requests made during the de Blasio administration has been shown to be excessive. *See* The Editorial Board, *Curses, FOILed again by a secretive Bill de Blasio*, The New York Daily News (24 Apr 2017), <http://www.nydailynews.com/opinion/curses-foiled-secretive-bill-de-blasio->

article-1.3087830 (noting that one Agency was taking in excess of 100 days to answer FOIL requests, which should be answered within 20 Business Days, according to the Committee on Open Government).

13. I have made other open records requests to the New York City Department of Transportation (Log Number : 2018-31324) and the New York City Commission on Human Rights (Log Number : FOIL-2018-226-00087). *See* Exs. D-E. In the initial FOIL responses, the Agencies have estimated records response dates of 150 Business Days from the date of initial response and 10 August 2018, respectively. *See* Exs. F-G. These response dates are excessive and violate FOIL.
14. Prior FOIL requests I have made, namely, to the New York City Commission on Human Rights (Date of Request : 9 February 2016), the New York City Department of Finance (Date of Request : 17 July 2016), and the New York City Department of Environmental Preservation (Date of Request : 21 September 2016), ended with each Agency making it impossible for the release of any of the requested records. These prior FOIL requests were important, because they would have documented housing discrimination by unscrupulous landlords, tax abatement fraud by landlords, and possible exposure to lead (the toxic element) in drinking water. I can provide documentation upon your request.
15. Another prior FOIL request I made was to the New York City Council (Dates of Requests : Multiple ; Subject : Calendars of **Corey Johnson**, **Jimmy Van Bramer**, and **Daniel Dromm**) that the City Council has refused to timely process with completion. I can provide documentation upon your request.
16. Because it appears that interference by City Hall in open records requests may be resulting in prolonged delays in the processing of FOIL Requests, or the complete denial of access of records, because the OOM/BQX Request has been marked for a delay of one year, and because the pattern of violations of FOIL exist cross many City of New York Government Branches and Agencies, I file this Civilian Crime Report and respectfully request a pattern and practises investigation of the City of New York for systemic violations of FOIL.

I state under penalty of perjury under the laws of the United States of America that all of the foregoing information is true, correct, and complete to the best of my knowledge, information, and belief. If I make any errors, please allow me an opportunity to make corrections, if any errors are found.



Dated : 18 April 2018
Jackson Heights, New York

.....
Louis Flores

Schedule : List of Other Victims

The following is a cursory list I have assembled of other victims of the City of New York's pattern and practise of violating FOIL. By no means is this list exhaustive or complete. Nevertheless, it strongly suggests that the City of New York is engaged in a pattern and practice of violating FOIL.

1. Mayor de Blasio's office says it will take 7 months to respond to a FOIL filed this week #transparency. *See* Yoav Gonen (@yoavgonen), Twitter (2 Jan 2018, 5:57 PM), <https://twitter.com/yoavgonen/status/948327471472136193>.
2. De Blasio's FOIL Office Took Six Months to Release a Picture of an Ice Cream Cone. *See* The Village Voice (@villagevoice), Twitter (27 July 2017, 2:58 PM), <https://twitter.com/villagevoice/status/890647687795814400>.
3. When de Blasio talks about love for investigative journalism, worth noting his office often doesn't respond to FOIL requests within a year. *See* Josh Dawsey (@jdawsey1), Twitter (27 Jul 2016, 9:05 AM), <https://twitter.com/jdawsey1/status/758287123128737792>.
4. Why Does Bill de Blasio Keep Violating His Own FOIL Laws? *See* EduFOIL (@EduFOIL), Twitter (13 April 2017, 3:05 PM), <https://twitter.com/EduFOIL/status/852598538672496640>.
5. De Blasio's office putting off answering my FOIL request for its communications with REBNY until shortly after primary: Sept 29, 17. *See* Sarina Trangle (@SarinaTrangle), Twitter (7 Mar 2017, 5:17 PM), <https://twitter.com/SarinaTrangle/status/839238496342663170>.
6. Reading old articles about how de Blasio vowed to speed up FOIL is a great way to kill time as you wait 14+ months for one from his office. *See* Christopher Zara (@christopherzara), Twitter (7 October 2016, 8:32 AM), <https://twitter.com/christopherzara/status/784370754016141316>.
7. State's top FOIL expert says de Blasio admin's denial is wrong & disappointing. *See* Danielle Ingrid Anais Tcholakian (@danielleiat), Twitter (17 September 2014, 9:19 AM), <https://twitter.com/danielleiat/status/512229440823508993>.

EXHIBIT A

[OpenRecords] Request FOIL-2018-002-00188 Submitted to Mayor's Office (OOM)

Received:  March 29, 2018 12:38 PM

From: openrecords@records.nyc.gov

To: contact@progressnewyork.news

Your request FOIL-2018-002-00188 has been successfully submitted to the Mayor's Office (OOM). The details of your request are shown below.

Request Title: Records about (i) BQX and (ii) Town Halls

Request Description: This is a request (« Request ») pursuant to the Freedom of Information Law (« FOIL »), Public Officers Law, Article 6, §§ 84-90. I submit this Request as a reporter of Progress New York, a news Web site. A. Requested Records This Request seeks all documents, records, and information about the following seven (7) categories of records : (1). Regarding the Brooklyn-Queens Connector, also known as the BQX, all financial, cost, and budget reports and analyses used to the composition, creation, or writing of the memorandum dated 10 February 2017 from the BQX Project Team to Deputy Mayor Glen regarding the "BQX Update and Options for Next Steps" ; (2). Regarding the BQX, all project schedules, timelines, implementation, plans, forecasts, studies, or reports used to the composition, creation, or writing of the memorandum dated 10 February 2017 from the BQX Project Team to Deputy Mayor Glen regarding the "BQX Update and Options for Next Steps" ; (3). Regarding the BQX, all value capture studies, analyses, or reports used to the composition, creation, or writing of the memorandum dated 10 February 2017 from the BQX Project Team to Deputy Mayor Glen regarding the "BQX Update and Options for Next Steps" ; (4). Regarding the BQX, all organizational documents for management, employees, and staff of the Government authority or corporation that is proposed to own and/or manage the BQX ; (5). Regarding the BQX, all reports about changes to public assets, such as reductions of streets, roads, or thru-ways ; changes in parking lots, public parks, or public areas, such as sidewalks, crosswalks, or public easements ; (6). Regarding town halls or public forums attended by Mayor Bill de Blasio, all documents, correspondence, e-mails, direct messages, private messages, and other communication about the planning, scheduling, coordinating, and hosting of the town hall event held on April 27, 2017, at Queens Vocational and Technical High School ; and (7). Regarding town halls or public forums attended by Mayor Bill de Blasio, all documents, correspondence, e-mails, direct messages, private messages, and other communication about the planning, scheduling, coordinating, and hosting of the town hall event held on March 28, 2018, at I.S. 145 Joseph Pulitzer School. B. Waiver of Processing Fees Requested I request a waiver of processing fees, because this information will be publicly disseminated by Progress New York, a news Web site, for free, so that the public may access this information. As such, Progress New York should qualify for a waiver of processing fees as a news Web site. If Progress New York cannot qualify for a waiver of processing fees, then I request that the documents, records, and information be produced in .PDF format or in any other, typically-used electronic format on an external Hard Drive, and that the only fee that

should be charged to Progress New York should be the cost of the external Hard Drive. Please confirm receipt of this Request before the end of business on Thursday, 29 March 2018. Thank you for your prompt attention to this matter. Please furnish all responsive records to : Louis Flores Progress New York 75-22 37th Ave., No. 420 Jackson Heights, NY 11372 I affirm that the information provided, supporting the request for a waiver of processing fees, is true and correct to the best of my knowledge and belief. Respectfully submitted, -- Louis Louis Flores Progress New York progressnewyork.news contact@progressnewyork.news (929) 279-2292

Requester's Contact Information

Name:

Louis Flores

Email:

contact@progressnewyork.news

Phone Number:

(929) 279-2292

Fax Number:

Not provided

Street Address (line 1):

75-22 37th Ave., No. 420

Street Address (line 2):

Not provided

City:

Jackson Heights

State:

NY

Zip Code:

11372

You can view the request and take any necessary action at the following webpage:

<https://a860-openrecords.nyc.gov/request/view/FOIL-2018-002-00188>.

EXHIBIT B

[OpenRecords] Request FOIL-2018-002-00188 Acknowledged

Received:  April 3, 2018 2:58 PM

From: openrecords@records.nyc.gov

To: contact@progressnewyork.news

The Mayor's Office (OOM) has **acknowledged** your FOIL request [FOIL-2018-002-00188](#).

You can expect a response on or about Friday, April 5, 2019.

Additional Information:

Due to the volume of requests that we have received, we estimate that we will be able to provide you with a response on or before the above date.

Please visit [FOIL-2018-002-00188](#) to view additional information and take any necessary action.

EXHIBIT C

RE: Bill de Blasio's routine violations of FOIL

Received:  **April 5, 2018 11:21 AM**

From: **dos.sm.Coog.InetCoog dosCOOG@dos.ny.gov**

To: **Louis Flores contact@progressnewyork.news**

Good Morning Mr. Flores,

The Committee on Open Government is authorized to provide advice and opinions regarding the Freedom of Information Law. Neither the Committee, nor its staff, is authorized to investigate complaints or to compel an agency to take certain actions. Only a court has the authority to compel action on the part of an agency.

Attached for your review is a guidance document relating to the time and manner in which an agency is required to respond to a FOIL request and the remedies available if it fails to do so.

Kristin O'Neill

-----Original Message-----

From: Louis Flores [mailto:contact@progressnewyork.news]

Sent: Thursday, April 05, 2018 9:52 AM

To: dos.sm.Coog.InetCoog <dosCOOG@dos.ny.gov>

Subject: Bill de Blasio's routine violations of FOIL

The Office of the Mayor of the City of New York routinely violates FOIL by routinely advising the makers of FOIL requests that FOIL requests can take up to one year for the release of records to be made. This is a violation of FOIL, which states that records cannot be denied 30 days after a request has been made. Public Officers Law Â§ 89 (4) (a).

On 29 March 2018, I filed a FOIL Request for five (5) categories of records regarding the Brooklyn-Queens Connector, or BQX, a proposed streetcar service that will connect the waterfronts of Brooklyn and Queens, and two (2) categories of records regarding the Mayor Bill de Blasio's holding of town hall meetings, for a total of seven (7) categories of records. In the acknowledgement of receipt of the FOIL Request, the Office of the Mayor informed me that a response could be expected on or about 05 April 2019, or, about one year from the making of the FOIL Request.

I seek intervention from the Committee of Open Government to correct violations of FOIL by the Office of the Mayor of the City of New York. If the State of New York has no way to make the Office of the Mayor comply with FOIL and to end deliberate violations of FOIL, a law of the State of the New York, I will file a complaint with the U.S. Attorney's Office.


Best regards,

-- Louis

(on behalf of Progress New York)

Louis Flores

Progress New York
progressnewyork.news
contact@progressnewyork.news
(929) 279-2292

 1 file attached

 **Time Limit Guidance.pdf** (63.39 KB)

The Freedom of Information Law provides direction concerning the time and manner in which agencies must respond to requests. Specifically, §89(3)(a) of the Freedom of Information Law states in part that:

“Each entity subject to the provisions of this article, within five business days of the receipt of a written request for a record reasonably described, shall make such record available to the person requesting it, deny such request in writing or furnish a written acknowledgement of the receipt of such request and a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied.... If an agency determines to grant a request in whole or in part, and if circumstances prevent disclosure to the person requesting the record or records within twenty business days from the date of the acknowledgement of the receipt of the request, the agency shall state, in writing, both the reason for the inability to grant the request within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.”

If neither a response to a request nor an acknowledgment of the receipt of a request is given within five business days, if an agency delays responding for an unreasonable time beyond the approximate date of less than twenty business days given in its acknowledgment, if it acknowledges that a request has been received, but has failed to grant access by the specific date given beyond twenty business days, or if the specific date given is unreasonable, a request may be considered to have been constructively denied (see §89(4)(a)). In such a circumstance, the denial may be appealed in accordance with §89(4)(a), which states in relevant part that:

“...any person denied access to a record may within thirty days appeal in writing such denial to the head, chief executive or governing body of the entity, or the person therefor designated by such head, chief executive, or governing body, who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought.”

Section 89(4)(b) states that a failure to determine an appeal within ten business days of the receipt of an appeal constitutes a denial of the appeal. In that circumstance, the appellant has exhausted his or her administrative remedies and may initiate a challenge to a constructive denial of access under Article 78 of the Civil Practice Law and Rules.

EXHIBIT D

FOIL Request : BQX Documents, Records, and Information

Sent:  March 27, 2018 10:43 PM

From: **Progress New York** contact@progressnewyork.news

To: dotfoil@dot.nyc.gov dotfoil@dot.nyc.gov

Ladies and Gentlemen :


Attached please find a FOIL Request for records. Please acknowledge receipt of this FOIL Request before the end of business on Wednesday, 28 March 2018.

Thank you kindly.

Best regards,
-- Louis

Louis Flores
Progress New York
progressnewyork.news
contact@progressnewyork.news
(929) 279-2292

Sent with [ProtonMail](#) Secure Email.

 1 file attached

 **20180327_BQX_DOT_FOILRequest.pdf** (179.65 KB)



Department of Transportation

FOR OFFICE USE ONLY FOIL NUMBER

FOIL REQUEST FORM

Date:

REQUESTOR:

Name:

Entity Name:

Address:

Phone:

Email:

Under Article 6 of the New York State Public Officers Law ("FOIL"), I am hereby requesting copies of the following records:

Records Requested

Time Period of Records

Date of Incident (if applicable)

Location (if applicable, include the exact street address and cross street)

Additional Details

NYC Department of Transportation
Division of Legal Affairs – FOILUnit
55 Water Street – 4th Floor
New York, NY 10041
T: 212-839-9850
www.nyc.gov/dot

Translated versions of this document are available
by contacting 311 or by going to www.nyc.gov/dot.

EXHIBIT E

FOIL Request : Complaints Against Ten (10) Companies

Sent: 📧 March 28, 2018 11:41 AM

From: **Progress New York** contact@progressnewyork.news

To: foil@cchr.nyc.gov foil@cchr.nyc.gov

FOIL Officer
NYC Commission on Human Rights
P.O. Box 2023
New York, NY 10272

Ladies and Gentlemen :

This letter constitutes a request (« Request ») pursuant to the Freedom of Information Law (« FOIL »), Public Officers Law, Article 6, §§ 84-90. I submit this Request as a reporter of Progress New York, a news Web site.

A. Requested Records

This Request seeks all documents, records, and information about any complaints filed with the NYC Commission on Human Rights about the following companies, their subsidiaries, or business affiliates :

- (i). Alma Realty ;
- (ii). Brookfield Properties ;
- (iii). Durst Organization ;
- (iv). Jamestown Properties ;
- (v). Park Tower Group ;
- (vi). RAL Development ;
- (vii). Steiner Studios ;
- (viii). Tishman Speyer ;
- (ix). Toll Brothers ; and
- (x). Two Trees.

For identification purposes only, these corporations own real property or are developing real property in Brooklyn and in Queens.

B. Waiver of Processing Fees Requested

I request a waiver of processing fees, because this information will be publicly disseminated by Progress New York, a news Web site, for free, so that the public may access this information. As such, Progress New York should qualify for a waiver of procesing fees as a news Web site.

If Progress New York cannot qualify for a waiver of processing fees, then I request that the documents, records, and information be produced in .PDF format or in any other, typically-used electronic format on an external Hard Drive, and that the only fee that the New York City Economic Development Corporation should charge Progress New York should be the cost of the external Hard Drive.

Please confirm receipt of this Request before the end of business on Wednesday, 28 March 2018. Thank you for your prompt attention to this matter.

Please furnish all responsive records to :

Louis Flores
Progress New York
75-22 37th Ave., No. 420
Jackson Heights, NY 11372

I affirm that the information provided, supporting the request for a waiver of processing fees, is true and correct to the best of my knowledge and belief.

Respectfully submitted,
-- Louis

Louis Flores
Progress New York
progressnewyork.news
contact@progressnewyork.news
(929) 279-2292

EXHIBIT F

FOIL REQUEST 2018-31324

Received:  April 4, 2018 3:04 PM

From: DOTFOIL DOTFOIL@dot.nyc.gov

To: 'contact@progressnewyork.news' contact@progressnewyork.news

Please see attached correspondence regarding your FOIL request.


Thank you,
NYC Department of Transportation
FOIL Unit
55 Water Street 4th Floor
New York NY 10041

Please do not reply to this email. If you have any questions regarding this FOIL request, please contact us at 212-839-9850.

This message and any attachments are solely for the individual(s) named above and others who have been specifically authorized to receive such and may contain information which is confidential, privileged or exempt from disclosure under applicable law. If you are not the intended recipient, any disclosure, copying, use or distribution of the information included in this message and any attachments is strictly prohibited. If you have received this communication in error, please notify us by reply e-mail and immediately and permanently delete this message and any attachments.

Thank you.

NYC – Department of Transportation

 1 file attached

 Acknowledgment 2018-31324.pdf (83.80 KB)



April 4, 2018

Via E-Mail

Louis Flores
Progress New York
contact@progressnewyork.news

RE: FOIL Request #: **2018-31324**
Name of Client: **BQX**
Client File #: **N/A**

Dear Louis Flores:

Pursuant to your request for records under Article 6 of the New York State Public Officers Law ("FOIL"), we hereby acknowledge receipt of your request dated 3/27/2018.

Please be advised that we are processing your request. FOIL requests are processed in the order in which they are received. Due to the volume of FOIL requests which DOT receives per year and that we generally process such requests in the order in which they are received, we expect to provide you with a response in approximately 150 business days from the date of this letter.

For any further correspondence, please reference the FOIL Request number noted above.

Sincerely,

Megan Garcia
FOIL Unit

EXHIBIT G

RE: Reply Requested : FOIL Request : Complaints Against Ten (10) Companies

Received: 📧 April 4, 2018 6:08 PM

From: Foil, CCHR (CCHR) foil@cchr.nyc.gov

To: Progress New York contact@progressnewyork.news

Your request has also been entered into the Citywide OpenRecords System under FOIL-2018-226-00087. You will receive a notice from that system at the email address you have provided, contact@progressnewyork.news.

I note that you have not specified a time period of particular interest. Please note that agency files more than five-years-old are kept offsite in the Citywide archive. Accordingly, to the degree that any such records exist that may be responsive to your request, they will take longer to obtain and review than more recent matters. To account for that possibility, I have set an extended deadline for response.

Rudolph A. Pyatt

Staff Attorney/Records Access Officer

New York City Commission on Human Rights

22 Reade Street, 3rd Floor | New York, NY 10007

t: 212-416-0125 | f: 646-500-5649 | nyc.gov/humanrights



From: Progress New York [<mailto:contact@progressnewyork.news>]

Sent: Wednesday, April 04, 2018 5:14 PM

To: Foil, CCHR (CCHR) <foil@cchr.nyc.gov>

Subject: Reply Requested : FOIL Request : Complaints Against Ten (10) Companies

Ladies and Gentlemen :

Kindly acknowledged this FOIL Request.

Best regards,

-- Louis

(on behalf of Progress New York)

Louis Flores

Progress New York

progressnewyork.news

contact@progressnewyork.news

(929) 279-2292

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On March 28, 2018 11:41 AM, Progress New York <contact@progressnewyork.news> wrote:

FOIL Officer
NYC Commission on Human Rights
P.O. Box 2023
New York, NY 10272

Ladies and Gentlemen :

This letter constitutes a request (« Request ») pursuant to the Freedom of Information Law (« FOIL »), Public Officers Law, Article 6, §§ 84-90. I submit this Request as a reporter of Progress New York, a news Web site.

A. Requested Records

This Request seeks all documents, records, and information about any complaints filed with the NYC Commission on Human Rights about the following companies, their subsidiaries, or business affiliates :

- (i). Alma Realty ;
- (ii). Brookfield Properties ;
- (iii). Durst Organization ;
- (iv). Jamestown Properties ;
- (v). Park Tower Group ;
- (vi). RAL Development ;
- (vii). Steiner Studios ;
- (viii). Tishman Speyer ;
- (ix). Toll Brothers ; and
- (x). Two Trees.

For identification purposes only, these corporations own real property or are developing real property in Brooklyn and in Queens.

B. Waiver of Processing Fees Requested

I request a waiver of processing fees, because this information will be publicly disseminated by Progress New York, a news Web site, for free, so that the public may access this information. As such, Progress New York should qualify for a waiver of processing fees as a news Web site.

If Progress New York cannot qualify for a waiver of processing fees, then I request that the documents, records, and information be produced in .PDF format or in any other, typically-used electronic format on an external Hard Drive, and that the only fee that the New York City Economic Development Corporation should charge Progress New York should be the cost of the external Hard Drive.

Please confirm receipt of this Request before the end of business on Wednesday, 28 March 2018.
Thank you for your prompt attention to this matter.

Please furnish all responsive records to :





Louis Flores
Progress New York
75-22 37th Ave., No. 420
Jackson Heights, NY 11372

I affirm that the information provided, supporting the request for a waiver of processing fees, is true and correct to the best of my knowledge and belief.

Respectfully submitted,
-- Louis

Louis Flores
Progress New York
progressnewyork.news
contact@progressnewyork.news
(929) 279-2292

 4 embedded image

 **image001.png** (0.69 KB)  **image002.png** (1.31 KB)  **image003.png** (0.94 KB)  **image004.png** (1.86 KB)

[OpenRecords] Request FOIL-2018-226-00087 Submitted to NYC Commission on Human Rights (CCHR)

Received:  **April 4, 2018 5:37 PM**

From: **openrecords@records.nyc.gov**

To: **contact@progressnewyork.news**

Your request FOIL-2018-226-00087 has been successfully submitted to the NYC Commission on Human Rights (CCHR). The details of your request are shown below.

Request Title: Request for records regarding specific entities.

Request Description: Requester seeks "all documents, records, and information about any complaints filed with the NYC Commission on Human Rights about the following companies, their subsidiaries, or business affiliates: Alma Realty Brookfield Properties Durst Organization Jamestown Properties Park Tower Group RAL Development Steiner Studios Tishman Speyer Toll Brothers; and Two Trees For identification purposes only, these corporations own real property or are developing real property in Brooklyn and in Queens."

Requester's Contact Information

Name:

Louis Flores

Email:

contact@progressnewyork.news

Phone Number:

(929) 279-2292

Fax Number:

Not provided

Street Address (line 1):

75-22 37th Avenue

Street Address (line 2):

No. 420

City:

Jackson Heights

State:

NY

Zip Code:

11372

You can view the request and take any necessary action at the following webpage: <https://a860-openrecords.nyc.gov/request/view/FOIL-2018-226-00087>.

[OpenRecords] Request FOIL-2018-226-00087 Acknowledged

Received:  April 4, 2018 5:39 PM

From: **openrecords@records.nyc.gov**

To: **contact@progressnewyork.news**

The NYC Commission on Human Rights (CCHR) has **acknowledged** your FOIL request [FOIL-2018-226-00087](#).

You can expect a response on or about Friday, August 10, 2018.

Please visit [FOIL-2018-226-00087](#) to view additional information and take any necessary action.

Are You a Victim of this Alleged Crime?

☒ Yes ☐ No ☐ Not Sure

Are You Aware of Any Other Victim(s)?

☒ Yes ☐ No ☐ Not Sure

See attached Schedule : List of Other Victims

If Yes, Please List Other Victim(s): _____

Are You Represented by an Attorney in this Matter?

☐ Yes ☒ No

If Yes, Please Provide Attorney Contact Info:

Name: _____ Phone: _____

Address: _____

Have You Filed a Lawsuit Concerning this Matter?

☐ Yes ☒ No

If Yes, Please Provide the Following Case Information:

Case Title and Docket Number: _____

Name and Address of Court: _____

Status of Court Case (pending, dismissed, settled): _____

Have You Previously Filed a Report about this Matter with this Office or Any Other Federal, State or Local Agency(s)?

☒ Yes ☐ No If Yes, Date Filed: 05 April 2018

Contact Person: Robert Freeman / Kristin O'Neil Agency: NYS Committee on Open Government

Status of Previous Report: The COOG would not investigate violations of FOIL by the City of New York.

By submitting this form you certify that all of the statements made in this report (including continuation pages and addendum) are true, complete, and correct, to the best of your knowledge. You understand that a false statement of a material fact is a criminal offense (18 U.S.C. Section 1001).

Signature: *Sam Jones*

Date: 18 April 2018

IMPORTANT NOTE REGARDING THE PRESERVATION OF YOUR LEGAL RIGHTS:

Submitting a Report to this Office has no effect on any statute of limitation that might apply to any claim you may have. By submitting a Report to this Office, you have not commenced a lawsuit or other legal proceeding, and this Office has not initiated an investigation or lawsuit regarding the subject of your Report. If you seek to sue for money or other relief, you should contact a private attorney to represent you in court.

Mail this completed report to:

United States Attorney's Office
Southern District of New York
Attn: Civilian Crime Reports Unit (Criminal Division)
One St. Andrew's Plaza
New York, NY 10007